THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1805 of 2007

Dated:02.02.2007

Between:

N.Narayana Reddy.

...Petitioner

and

Chief Secretary, Zilla Panchayat, and others.

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1805 of 2007

ORDER:

The petitioner is a resident of Govindapuram Village of Madakasira Mandal in Anantapur District in the State of Andhra Pradesh. He is allegedly the owner of agricultural dry land admeasuring Acs.8.09 cents in Survey No.416 of the said Village, which is the border Village between the State of Andhra Pradesh and the State of Karnataka. The petitioner also states that he is also the owner of land admeasuring Ac.1.50 cents in Nallakamana Halli Village in Karnataka State, and he often goes there to carry out agricultural operations. On the eastern side of his land there is a road from Madhugiri to Madakasira, and the borders of Karnataka State are on three sides of his land. Under the influence of local M.L.A and M.P, the respondents allegedly tried to take possession of the land to lay a road connecting the main road to Narappana Halli. The petitioner alleges that proceedings under the Land Acquisition Act, 1894, were not initiated, and in spite of giving a representation to the Assistant Executive Engineer, second respondent herein, no action has been taken. Therefore, he filed the present Writ Petition. The petitioner seeks a writ of mandamus declaring the action of the respondents in trying to take possession of his land to an extent of Acs.8.09 cents in Survey No.416 of

Govindapuram Village as illegal and arbitrary. He also seeks an order restraining the respondents from taking possession.

The Chief Secretary, Zilla Panchayat, Thumkur, Executive Engineer, Zilla Panchayat, Sub Division, Madhugiri Village and Taluk, Thumkur, Assistant Executive Engineer, Zilla Panchayat, Sub Division, Madhugiri Village and Taluk, Thumkur, and Janarthan Reddy, Contractor, Narappana Halli Village, Karnataka, are the respondents to this Writ Petition.

This Court entertained a doubt as to whether a Writ Petition against the Officials of Thumkur District in Karnataka State is maintainable. Learned Counsel for the petitioner submits that the land is situated in the State of Andhra Pradesh, and therefore, if the respondents interfered with the rights and possession of the petitioner, a Writ Petition would lie. This Court is afraid this submission cannot be countenanced. In the considered opinion of this Court, this Court has no territorial jurisdiction to entertain the Writ Petition.

In **Kusum Ingots & Alloys Ltd. v. Union of India**[1] the Supreme Court considered the question of territorial jurisdiction of a High Court under Article 226(2) of the Constitution of India. It was held that if the cause of action or a part of cause of action arises within the territorial jurisdiction of a High Court a Writ would lie. In this case a reading of the writ affidavit would not lead to any conclusion that the cause of action or a part of cause of action arose in State of Andhra Pradesh. Admittedly, on three sides of the petitioner's land the borders of Karnataka State exists, and unless and until the petitioner exclusively proves that the road is being laid for the State of Karnataka on the land of the petitioner in the State of Andhra Pradesh, part of cause of action cannot be said to have arisen in the State of Andhra Pradesh. Secondly, if the respondents have to lay the road in the State of Andhra Pradesh, it would not have been possible for them for the simple reason that they do not have extra – territorial powers. Therefore, a Writ Petition in the High Court of Andhra Pradesh is not maintainable.

The Writ Petition is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

02.02.2007
vs

---

[1] (2004) 6 SCC 254